

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE GENETICALLY MODIFIED RICE LITIGATION

4:06 MD 1811 CDP

ALL CASES

JOINT MOTION TO MODIFY CERTAIN DEADLINES IN CASE MANAGEMENT
ORDER 16 AND ORDER REGARDING PRETRIAL SUBMISSION FOR
BELLWETHER TRIALS

As discussed with the Court on August 27, 2009 in a telephonic conference, the parties have agreed to certain changes regarding pretrial disclosures and certain *Daubert* motions for the trial set to begin January 11, 2010.

CMO 16, ¶ I.5, sets forth Dispositive and *Daubert* motion deadlines for trial set to begin on January 11, 2010 (formerly the third, now the second, bellwether trial). The parties seek to keep the briefing dates unchanged for most motions and make only a slight adjustment for briefing dates for any *Daubert* motions related to the Bayer Defendants individual damages expert(s), with the date for reply briefs remaining unchanged. These adjustments accommodate some small changes in the disclosure deadlines agreed to by the parties. The parties jointly move to modify CMO 16, ¶ I.5 as follows:

For the trial set to begin January 11, 2010, the parties must file any motions for summary judgment or motions to exclude or limit expert testimony under *Daubert* or for any other reason (except as set forth below) by **October 15, 2009**. Briefs in opposition to motions must be filed by **November 13, 2009**, and reply briefs must be filed by **November 30, 2009**. For motions to exclude or limit expert testimony under *Daubert* or for any other reason relating to the Bayer Defendants' individual damages expert(s) only, motions must be filed by **October**

22, 2009. Defendants' briefs in opposition must be filed by **November 13, 2009**, and Plaintiffs' reply briefs must be filed by **November 30, 2009**.

In addition, the parties jointly move to alter the pretrial disclosure deadlines (but not the date of the pretrial conference) in the Order Regarding Pretrial Submissions for Bellwether Trials, D. E. 1325, relating to the trial scheduled to begin January 11, 2010 as follows:

For the trial beginning January 11, 2010, the initial pretrial submissions (including motions in limine) are due **December 9, 2009**, and the second part of the submissions (objections and supplements) are due **December 17, 2009**. A final pretrial conference will be held in Courtroom 14 Sought on **January 7, 2010 at 10:00 a.m.**

Dated: August 31, 2009

Respectfully submitted,

/s/ Terry Lueckenhoff

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Terry Lueckenhoff